

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BLUEFIELD DIVISION

EARL ESTEP II,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

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CIVIL ACTION NO. 1:09-00089

MEMORANDUM OPINION

The Defendant, Michael J. Astrue, Commissioner of the Social Security Administration, by counsel, Stephen M. Horn, Assistant United States Attorney for the Southern District of West Virginia, has moved the Court to remand this case to the Commissioner pursuant to the provisions of sentence four of 42 U.S.C. § 405(g) for further evaluation of Plaintiff's claims for disability insurance benefits and supplemental security income. (Document No. 13.) The Defendant asserts that

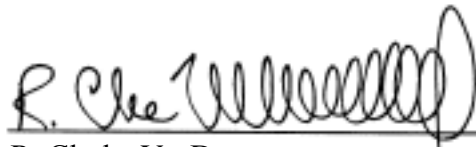
[o]n remand, the Commissioner, through the Appeals Council, will refer Plaintiff's case to an administrative law judge (ALJ) for further consideration, including, but not limited to specifying any functional limitations that are caused by Plaintiff's bilateral carpal tunnel syndrome and including any such limitations in the ALJ's residual functional capacity finding and corresponding hypothetical question to the vocational expert. The ALJ will also make a specific credibility finding with regard to the complaints stemming from Plaintiff's bilateral carpal tunnel syndrome. Further, Plaintiff shall be given the opportunity to submit any updated medical evidence and appear at a supplemental hearing.

(Id. at ¶ 3.) Both parties have consented to disposition by the United States Magistrate Judge. (Document Nos. 4 and 5.) Accordingly, there being good cause for the Defendant's Motion to Remand and there being no objection, it is hereby **ORDERED** that the Defendant's Motion to Remand (Document No. 13.) is **GRANTED**. This case is **REMANDED** to the Commissioner of

Social Security for further proceedings before an Administrative Law Judge as specified by the Commissioner in his Motion to Remand pursuant to the provisions of sentence four of 42 U.S.C. § 405(g).

The Clerk is directed to send a copy of this Memorandum Opinion to counsel of record.

ENTER: June 10, 2009.



R. Clarke VanDervort
United States Magistrate Judge